

To: COTHERN, SHAYNE (DNR)[SHAYNE.COTHERN@dnr.wa.gov]; COX, NEAL (DNR)[NEAL.COX@dnr.wa.gov]; TOBA, DERRICK (DNR)[DERRICK.TOBA@dnr.wa.gov]; SWENDDAL, KRISTIN (DNR)[KRISTIN.SWENDDAL@dnr.wa.gov]
Cc: Shaffer, Erika (DNR)[Erika.Shaffer@dnr.wa.gov]
From: RECHNER, MICHAL (DNR)
Sent: Mon 9/30/2013 5:34:25 PM
Subject: RE: Signage for Bremerton Gasworks Beach

We do have the authority to limit access/recreation under the following WAC:

WAC 332-52-100: Managing recreation and public use.

- (1) Can DNR limit recreational activities and public use on department-managed land?
- (a) The department may limit any recreation activity or public use on department-managed lands to:
- (i) Protect public safety, natural resources, or other property.
 - (ii) Execute its management and administrative obligations if any recreation activities or public use unreasonably interferes with the department's ability to carry out those obligations.
- (b) All persons shall comply with any department-posted restrictions that limit recreational activities.
- (2) Any violation of this section is an infraction under chapter 7.84 RCW.

We can post signs to inform the public of prohibited activities under these rules:

WAC 332-52-600: Notice of rules.

Where can I find the public access and recreation rules? The department will make public access and recreation rules available to the public through such means as:

- (1) Posted on-site on kiosks or signboards;
- (2) Published on the department's internet site;
- (3) Published in a site-specific or programmatic management plan;
- (4) In the office of the commissioner of public lands in Olympia; or
- (5) In any of the department's region offices.

Notices of permitted or prohibited activities will be posted in such locations as will reasonably bring them to the attention of the public.

Michal Rechner

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From: COTHERN, SHAYNE (DNR)
Sent: Monday, September 30, 2013 9:11 AM
To: COX, NEAL (DNR); TOBA, DERRICK (DNR); SWENDDAL, KRISTIN (DNR); RECHNER, MICHAL (DNR)
Cc: Shaffer, Erika (DNR)
Subject: FW: Signage for Bremerton Gasworks Beach

Below is a request to place a sign at the EPA Bremerton Gasworks Superfund site. This section of beach is contaminated with carcinogenic PAHs. No one is sure under what authority this could be enforced but seems appropriate to place as long as we make it clear that DNR cannot enforce closure. If we are not comfortable with closure we could recommend 'WARNING ENTER AT OWN RISK' wording but that would not aid EPA in requiring folks to stay out during operations.
Let me know your thoughts.

From: Ryan, William (Region 10) [Ryan.William@epa.gov]
Sent: Friday, September 27, 2013 1:18 PM

To: COTHERN, SHAYNE (DNR); Erika Shaffer (Erika.Schaffer@dnr.wa.gov); Holdcroft, Grant
Subject: Signage for Bremerton Gasworks Beach

Shayne, Erika, and Grant-

We've been working with Kitsap Public Health and Cascade Natural Gas to establish more robust warning signs for the beach below the former manufactured gas plant. Attached is the latest draft provided/proposed by Cascade. It's a variation on what Grant and I came up with and I would like your reaction to its contents. Specifically, I'd like to know what you think of using the phrase "Beach Closed." I am hesitant to include this language because I do not believe EPA has the authority to close the beach, nor do I know if Kitsap Health has the authority to do so either. Since the beach is state-owned lands, seems like DNR would need to be involved with any "closure" determination.

FYI, the previous version of the sign used "Do Not Enter" instead of "Beach Closed."

Shayne and Erika - I would greatly appreciate DNR's perspective on this language specifically, and any other comments you may have on the sign overall. Also, let me know if DNR is OK with us installing these signs (once finalized) on the beach.

Grant- does Kitsap Health have the authority to close this beach. If so, is this language that you would be comfortable using?

I would appreciate hearing from you by COB on Monday (preferably sooner), just in case we are shut down on Tuesday.

Let me know.

Thanks.

Bill Ryan
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